

October 12, 2011

VIA ECFS

Ms. Marlene Dortch
Secretary
Federal Communications Commission
445 12th Street, SE
Washington, DC 20554

Re: Sony Electronics Inc.
Notice of ex parte presentation
MB Docket No. 11-154
Closed Captioning of Internet Protocol-Delivered Video Programming:
Implementation of the Twenty-First Century Communications and Video
Accessibility Act of 2010

Dear Ms. Dortch:

On October 7, 2011, Robert Blanchard and Jim Morgan of Sony Electronics Inc. met with Jeffrey Neumann, Diana Sokolow, Alison Neplokh, Thomas Apone, and Steven Broeckaert of the Commission's Media Bureau, and Eliot Greenwald of the Commission's Consumer and Government Affairs Bureau, to discuss the implementation of Section 203 of the Twenty-First Century Communications and Video Accessibility Act of 2010 ("CVAA") in the above-referenced proceeding. During the meeting, the Sony Electronics representatives made the following substantive arguments:

1. In identifying the scope of products covered by the closed-captioning requirements under Section 203 of the CVAA, the Commission should adhere to the plain language of statute, which covers any "apparatus designed to receive or play back [or record] video programming transmitted simultaneously with sound" ¹ First, the term "apparatus" denotes a physical product, and cannot apply to software or other virtual products, at least in isolation. Further, the Commission must provide guidance as to how it will evaluate whether a particular apparatus has been "designed" to receive or playback video programming, given the difficulty in ascribing a particular design purpose to general purpose products like personal computers, tablets or smart phones. Finally, the Commission should acknowledge that the mere presence of video playback functionality in a device is not, in itself, evidence that the device is designed to receive or playback "video programming" within the meaning of the statute.

¹ 47 U.S.C. § 303(u)(1), (z) as amended.

2. The Commission should adopt, in full, the consensus recommendations contained in the sections V.C.1 and .2 and V.G.1 and .2 of the Video Programming Accessibility Advisory Committee (“VPAAC”) Working Group 1 report. These sections recommend adoption of SMPTE 2052-1:2010 *Time Text Format* (“SMPTE TT”) as an interchange format for captioning data, and adoption of SMPTE Recommended Practice 2052-10, *Conversion from CEA-608 Data to SMPTE-TT*, operated in “Preserved” mode, as a delivery file format where the video player is resident in the consumer device (*i.e.*, “Use Case #1”).
3. The Commission should allow covered entities no less than 24 months to comply with the proposed new captioning rules. This period would allow product planners sufficient time to incorporate new captioning functionality into product designs. More importantly would enable manufacturers to develop and perform the sophisticated test procedures necessary to ensure that this functionality meets consumer expectations.
4. Although it is technically feasible to enable the delivery of closed captioning data across existing interconnection mechanisms like HDMI, the Commission should consider carefully the costs and benefits of such a requirement. Carriage of closed captioning data on the HDMI interface would require substantial revisions to the HDMI standard, redesign of the chipsets used to implement the functionality in products and, in some cases, redesign of the underlying products themselves. Given that many content source devices that deliver video content over HDMI, like MVPD set-top boxes, will already be required to render captions prior to transmitting the video signal, the costs of regulating the HDMI interface may outweigh the benefits.

This notice is submitted pursuant to Section 1.1206 of the Commission’s rules. Please contact the undersigned with any questions.

Sincerely,

/s/ Jim Morgan

Jim Morgan
Director and Counsel
Sony Electronics Inc.
james.morgan@am.sony.com
202-429-3651

cc: (via electronic mail)
Jeffrey Neumann
Diana Sokolow
Alison Neplokh
Thomas Apone
Steven Broeckaert
Eliot Greenwald